



US Army Corps of Engineers

Vicksburg District
4155 Clay Street
Vicksburg, MS 39183-3435



Public Notice

APPLICATION NO.:	JCB-200312020
EVALUATOR:	Ms. Joyce Butler
PHONE NO.:	(601) 631-5294
FAX NO.:	(601) 631-5459
E-MAIL:	regulatory@mvk02.usace.army.mil
DATE:	February 2, 2004
EXPIRATION DATE:	February 23, 2004

Interested parties are hereby notified that the U.S. Army Corps of Engineers, Vicksburg District and the Mississippi Department of Environmental Quality and the Arkansas Department of Environmental Quality are considering an application for a Department of the Army Permit and State Water Quality Certification for the work described herein. Comments should be forwarded to the Vicksburg District, ATTN: CEMVK-OD-F, the Mississippi Department of Environmental Quality at Post Office Box 10385, Jackson, Mississippi 39289-0385, and the Arkansas Department of Environmental Quality at Post Office Box 8913, Little Rock, Arkansas 72219-8913, and must reach these offices by the cited expiration date.

Law Requiring a Permit: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), which applies to structures or work in navigable waters of the United States and Section 404 of the Clean Water Act (33 U.S.C. 1344), which applies to discharges of dredged or fill material into waters of the United States.

Name of Applicant:

Bali Hai Casino and Resort
Mr. Richard Schilling, Jr.
289 Coconut Palm Road
Boca Raton, Florida 33432

Name of Agent:

Mr. Daniel A. Malone
Director of Operations
7847 Bles Avenue, Unit 2
Baton Rouge, Louisiana 70810

Location of Work: Section 7, T17N-R9W, latitude 33°18'8.3582", longitude 91°8'24.5218", within the Mississippi River drainage basin, Washington County, near Greenville, Mississippi.

Description of Work: (See enclosed map and drawings.)

The applicant is applying for a Department of the Army permit to mechanically clear and fill wetlands for construction of a casino and resort. The following descriptions of the proposed project and associated impacts are based upon information provided by the applicant.

The applicant proposes to excavate soil to create a channel approximately 150 feet wide from the east bank of the Mississippi River to the west bank of Cottonwood Chute and from the east bank of Cottonwood Chute to the proposed casino site. The channels would be excavated using track-hoes operating from the north and south banks of the channels. The channel sites have been previously cleared of trees and other vegetation for removal of abandoned gas lines. Approximately 106,066 cubic yards of excavated material would be used to back fill the channel from the east bank of the Mississippi River to the west bank of Cottonwood Chute.

Approximately 42,700 cubic yards of material excavated from Cottonwood Chute to the casino location would be used to bring the site to the 137' elevation for permanent structures at the 100-year flood plain, and the 50-year flood plain for the parking areas. The channel at the east bank of Cottonwood Chute would be stabilized using sheet pile, and riprap would be placed along the channel banks to the casino site to minimize erosion.

The casino barges would be floated into the site through the excavated channels when the river reaches 45 feet on the Mississippi River gage at Greenville, and would float in a basin created by the excavation. The casino basin would be approximately 660 feet long and 120 feet wide and would be stabilized using sheet pile. Some mature trees may have to be mechanically cleared for construction of the facilities adjacent to the basin on the north. The project would also include an entertainment complex, entrance building and gift shop, dining and lounge area, and maintenance facilities. A hotel and offices would be built in uplands on the land side of the Mississippi River levee.

Construction of the project would temporarily impact approximately 29.56 acres of wetlands and 0.95 acre of wetlands would be permanently impacted. The placement of dredged and/or fill material in waters of the United States associated with the mechanized land clearing and fill for project construction requires a Department of the Army Permit.

Upon reviewing this notice, you should write to this office to provide your opinion of the impacts this work will have on the natural and human environment and address any mitigation you

believe is necessary to offset these impacts. Other comments are welcome, but the above information will further our review of the applicant's plan as proposed. Comments of a general nature are not as helpful as those specific to the impacts of the subject project.

State Water Quality Permit: The State Pollution Control Agencies must certify that the described work will comply with the States' water quality standards and effluent limitations before a Corps permit is issued.

Cultural Resources: An initial review indicates that the proposed project would not affect any of the sites in Washington County, Mississippi or Chicot County, Arkansas listed in the National Register of Historic Places. Copies of this notice have been sent to the State Historic Preservation Officer, Federally Recognized Tribes, the Corps archaeologists, and other interested parties for comment on potential effects to cultural resources that could result from this activity.

Endangered Species: Our initial finding is that the proposed work would not affect any endangered species or their critical habitat. This proposal is being coordinated with the U.S. Fish and Wildlife Service, and any comments regarding endangered species or their critical habitat will be addressed in our evaluation of the described work.

Flood Plain: In accordance with 44 CFR Part 60 (Flood Plain Management and Use), participating communities are required to review all proposed development to determine if a flood plain development permit is required. Flood plain administrators should review the proposed development described in this public notice and apprise this office of any flood plain development permit requirements.

Evaluation Factors: The decision whether or not to issue a permit will be based upon an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that may be expected to accrue from the proposal must be balanced against its expected adverse effects. All factors which may be relevant to the proposal will be considered; among these are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality, energy needs, safety, food requirements and, in general, the needs and welfare of the people. Evaluation of the proposed

activity will include application of the guidelines published by the Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act.

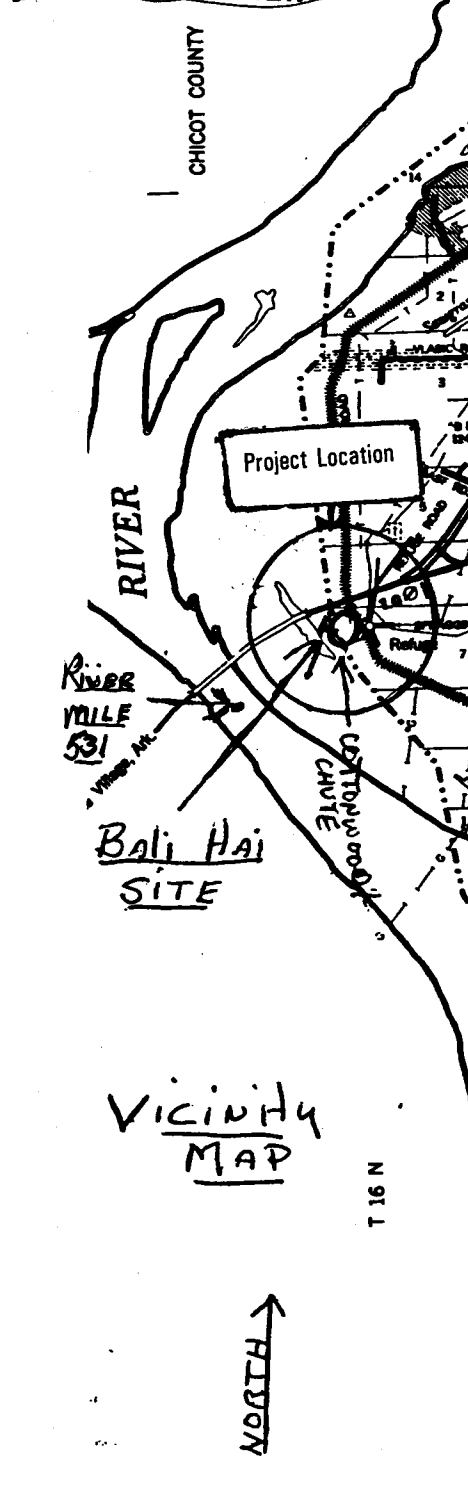
Public Involvement: The purpose of this notice is to solicit comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties. These comments will be used to evaluate the impacts of this project. All comments will be considered and used to help determine whether to issue the permit, deny the permit, or issue the permit with conditions, and to help us determine the amount and type of mitigation necessary. This information will be used in our Environmental Assessment or Impact Statement. Comments are also used to determine the need for a public hearing.

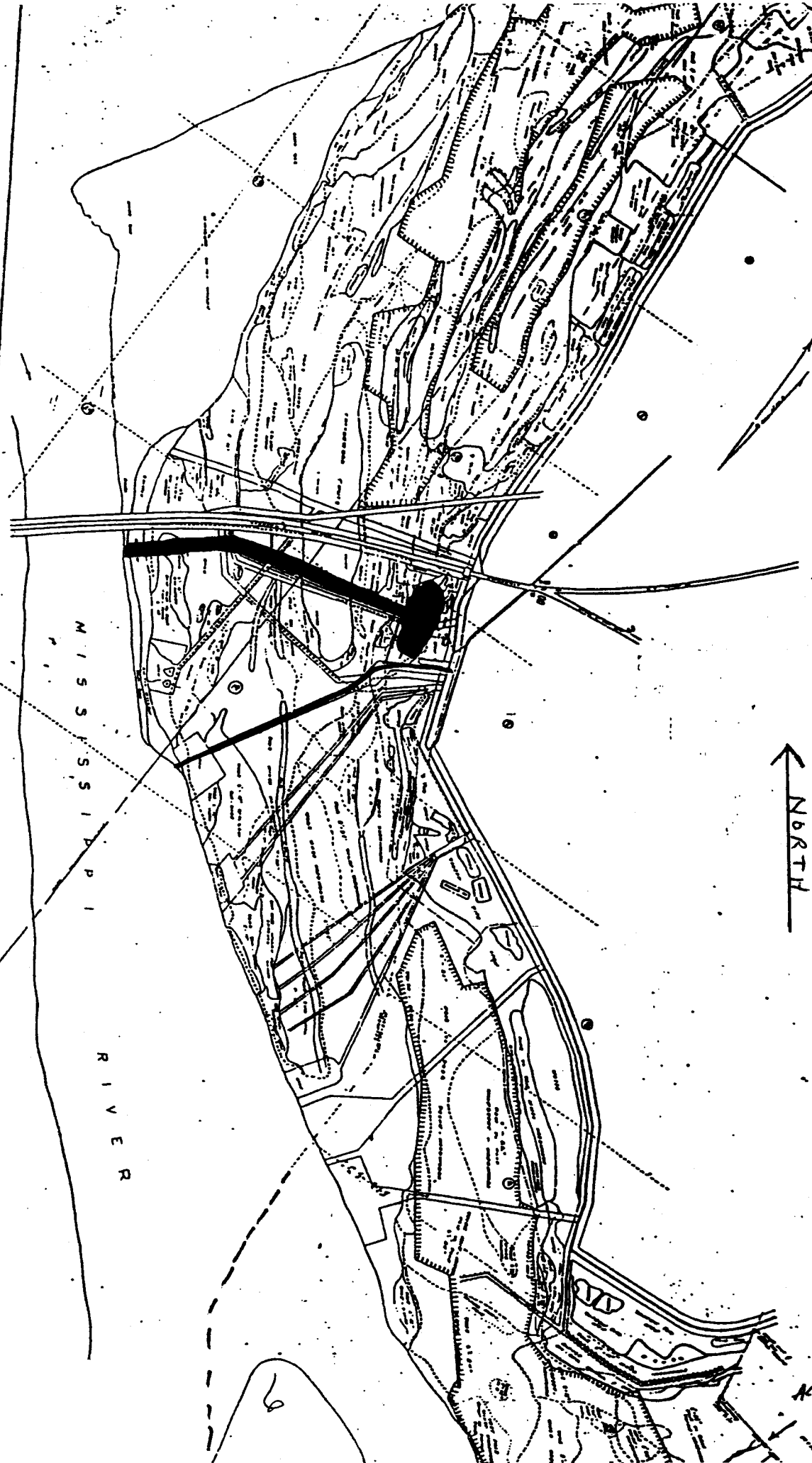
Opportunity for a Public Hearing: Any person may make a written request for a public hearing to consider this permit application. This request must be submitted by the public notice expiration date and must clearly state why a hearing is necessary. Failure of any agency or individual to comment on this notice will be interpreted to mean that there is no objection to the proposed work. Please bring this announcement to the attention of anyone you know who might be interested in this matter.

Notification of Final Permit Actions: Each month, the final permit actions from the preceding month are published on the Vicksburg District Regulatory web page. To access this information, you may follow the link from the Regulatory web page, <http://www.mvk.usace.army.mil/offices/od/odf/main.asp>, or go directly to the Final Permit Actions web page at <http://www.mvk.usace.army.mil/offices/od/odf/PubNotice/MonthlyNotice/pnmain.asp>.



W. Harold Lee
Team Leader
Evaluation Section





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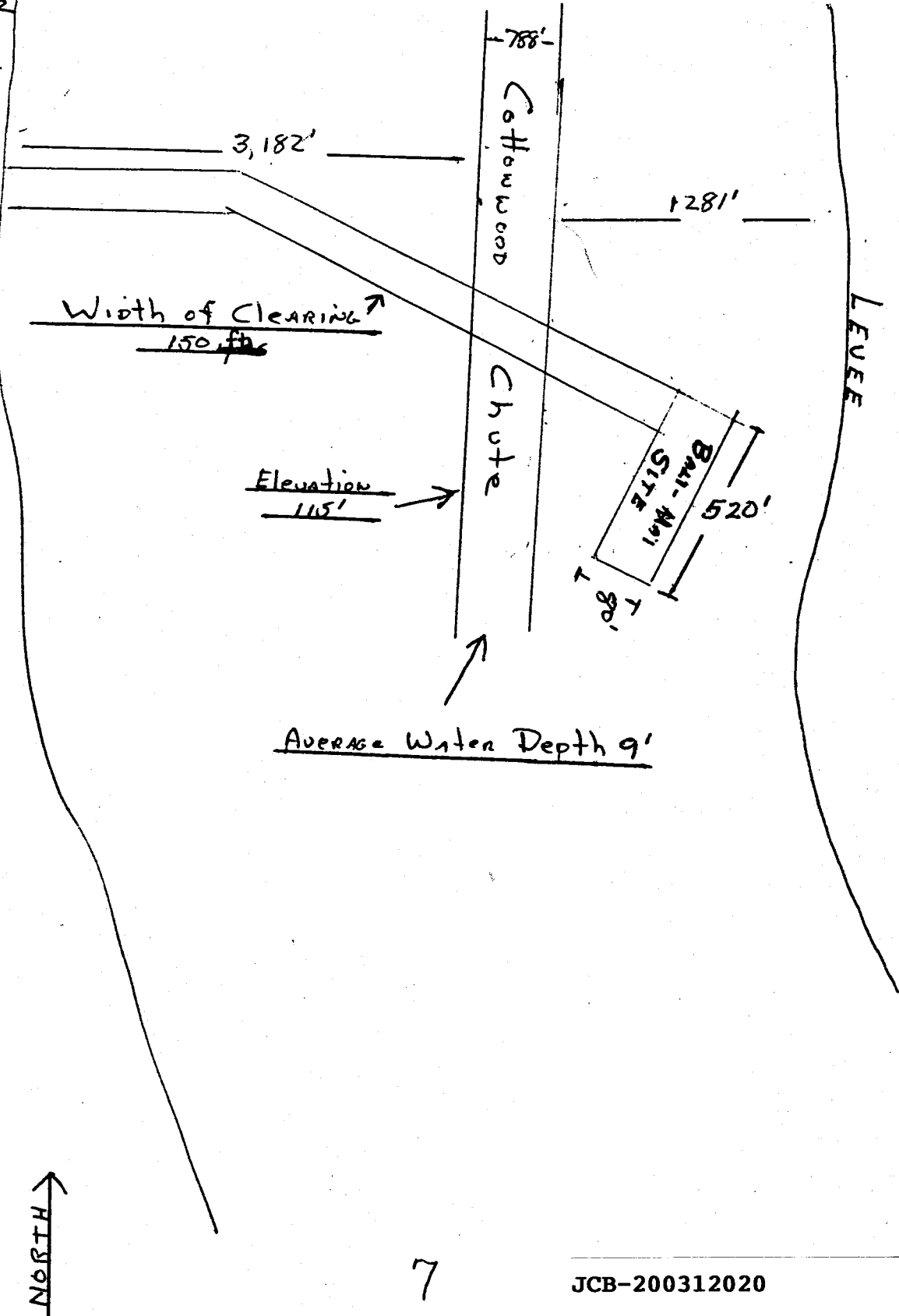
MR RICHARD SCHILLING JR

Block
18
B

Mississippi River Bridge
Hwy-82

Mile 532

Mississippi River



PLAN VIEW

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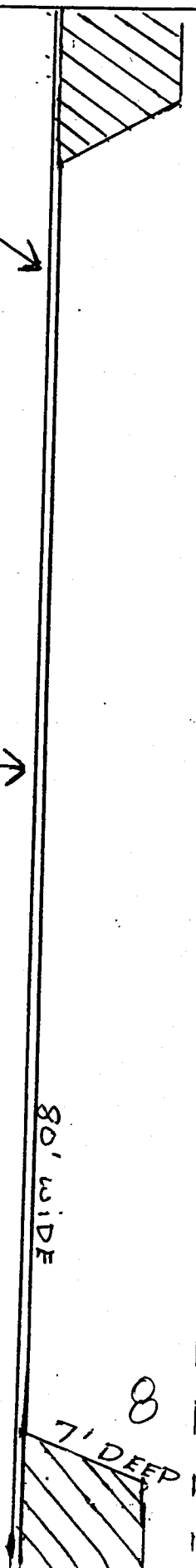
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Cross Section View

1" = 10'

Excavated Canal at East and West Banks of
Cottonwood Chute

Water Level - River at 43' on 0' Scale



Water Level - River at 33' on 0' Scale

Bottom of Excavated Canal 108' Elevation

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